IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2420 OF 2006

Bharat M. Shah and anr. ... Petitioners
Versus
State of Maharashtra
and Ors. ... Respondents

Mr. Amol Surve i/b. Ace Legal Consultants for the Petitioners
Mr. I.S. Thakur APP for the State

CORAM : S.B. MHASE,
& S.R. SATHE, JJ.
DATED : 27th NOVEMBER, 2006

P.C. :-

Heard learned Counsel for the Petitioner.

Petitioners have approached this Court, to issue appropriate writ or direction to quash the FIR in C.R. No.2 of 2003 and C.C. No.605/P of 2003 against the Petitioner pending before the 15th Court of the Metropolitan Magistrate, Mazgaon, Mumbai and the proceedings arising out of the said FIR, itself shows that initially charge-sheet in the case has been filed. These cases are of misappropriation.

After filing of the charge-sheet remedy of getting a discharge is available under Code of Criminal Procedure and therefore, it will be improper to pass any order under Article 226 of the Constitution of

India since we find that alternate remedy will be available to the Petitioner. We refrain to entertain the Petition.

Petition is hereby rejected.

(S.R. SATHE, J.) ***(S.B. MHASE, J.)***